

Copy

Harry Samuel
Plaintiff,

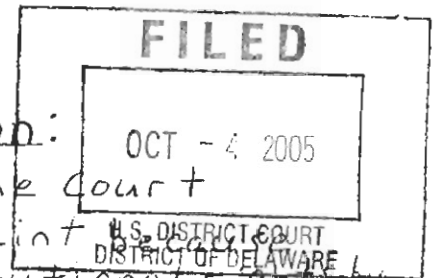
v.

Civ. No. 05-037-SLR

Thomas Carroll (Warden)
etal

RE: Reconsideration Motion:

Samuel Submits that upon receiving the Court Memorandum order dismissing my Complaint the defendants have violated my Constitutional rights by (1) failing to classify me correctly, despite my improved conduct and rehabilitation.



Samuel argues that I never claim I had a constitutional right to Classification, employment or rehabilitation. It is the prison official Discretion to Classify a Inmate as they See Fit. But my Claim is abuse of this discretion. Where the prison law library material states the {Federal} will intervien in State affairs {Court}

If the Classification committee are abusing its Discretion by makeing their decision wholly irrelevant to my treatment and rehabilitation.

My facts are supported by the evidence that I Submitted to the court such as my exhibits. First is exhibit B-1 where first I was in the SHU Max ware I had to complete level one to ~~Three~~ Three which I Completed level 1 to 3 in 9 months in Max/SHU. So I was up graded to level 4 which is out of SHU and into the MHU ware I had to complete level 4 to 6 which is exhibit B-1 evidence stating I completed the highest level 6. After level 6 in to the Compound. But I was denied the Compound and Kept on level 6 see Exhibit A-1 and Exhibit B-2 which also states my treatment was into the Kitchen. Which Exhibit A-10 and A-5 is evidence of the fact that I was doing good with my Treatment. I worked in the Kitchen for over 2 years next I was Classified to Minimum the warden

Vetoed my Classification to minimum for me to be reconsidered for Minimum at my next Classification see exhibit A-12. Instead at my next Classification I was classified to Medium and not even reconsidered for Minimum. I qualify for minimum because the new Point System my low points from one write up and low charges etc. qualify me for minimum. Instead I was classified to Medium see A-13 now the Committee Abused its Discretion when I was waiting 3 months and still working in the Kitchen when the Committee Just Put me In Max/MHU see Exhibit A-13 then next I was down graded to Super Max/SHU see Exhibit C-2. now I have been Classified back to Exhibit B-2. see exhibit - 23. Samuel argues for this Abuse of discretion by the Committee putting in Max and not rewarding me for my good behavior. This is the same treatment if a Inmate done something I didn't do any thing but good behavior. But in Max for 4 and a half years.

Conclusion

for the facts here within Samuel ask the court to intervien and court order me to my qualified status base on the point system to minimum. Also awarded Samuel \$100,000.00 for my claim or what the court see fit to aware.

I await your response.

9-29-05

Respectfully Submitted
 Very Truly yours
 Harry L. Samuel
 Pro Se.

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